

Shire of Exmouth

ORDINARY COUNCIL MEETING MINUTES



27 May 2021

CONFIRMATION OF MINUTES

I hereby certify that the Minutes and Attachments of the Ordinary Council Meeting held on the 27 May 2021 are a true and accurate record of the proceedings contained therein.

.....

Matthew Niikkula
Matthew Niikkula
Shire President

.....

24/06/2021

Dated

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MINUTES

Our Vision To be a prosperous and sustainable community living in harmony with our natural environment.

Our Purpose To responsibly provide governance for the whole community in the best interest of current and future generations.

Our Strategic Objectives

- Diversify and grow our economy in a manner that provides year round employment opportunities
- To protect and value our unique natural and built environment as we grow our economy.
- To be a vibrant, passionate and safe community valuing our natural environment and unique heritage
- To provide open transparent, accountable leadership working in collaboration with our community.

1. DECLARATION OF OPENING AND ANNOUNCEMENT OF VISITORS

The Shire President declared the meeting open at 4.02pm.

The Shire President acknowledged the aboriginal people both past and present, as the traditional custodians of the land on which we meet.

The Shire President advised the gallery in adhering to both the *Local Government Act 1995*, and the Shire of Exmouth Meeting Procedures Local Law 2015, it is an offense to record the proceedings of this meeting and asked the gallery to switch off any recording devices, including phones.

He advised the gallery the meeting will be recorded by the Executive Secretary for the purpose of compiling an accurate record of the minutes only; and the recording will be erased once they are confirmed.

2. RECORD OF ATTENDANCE, APOLOGIES AND APPROVED LEAVE OF ABSENCE

Councillor M (Matthew) Niikkula	Shire President
Councillor B (Ben) Dixon	Deputy Shire President
Councillor G (Gary) Mounsey	
Councillor H (Heather) Lake	
Councillor A (Anne) McCarrol	
Mr M Bird	Acting Chief Executive Officer
Mr R McGrath	Acting Executive Manager Commercial and Community
Mr G Coetzee	Executive Manager Corporate Services
Ms Flint	Minute Clerk

GALLERY 5

APOLOGIES

Mr M Richardson

Executive Manager Development Services

LEAVE OF ABSENCE

Councillor M (Mark) Lucas

3. RESPONSE TO PREVIOUS PUBLIC QUESTIONS TAKEN ON NOTICE

The following questions received from Samuel Tutanota were taken on notice from the April Ordinary Council meeting:

1. *How much money did the Shire spend for the development of Shire of Exmouth Local Planning Strategy, Exmouth South Structure Plan and Local Planning Scheme No.4 spend? This would show the community how much money was spent unnecessarily if the Shire does not follow them anyways / if they can be amended at any time.*

Shire response:

The development of these documents is a statutory requirement under the Planning and Development Act 2005. Over the 9 year time frame, since 2012, the Shire expended approximately \$46,000 annually, to appropriately qualified consultants on the development and review of these documents.

2. *Why has the Shire advertised so many positions over the last 2 years?*

Shire response:

The current head count for the Shire of Exmouth is 85 staff members. The Shire has adopted a number of new business units over the last 2 years including the Visitors Centre and Aquarium attraction. Business units such as the airport also require significant staffing. Exmouth is a transient community; turnover rate is not anything out of the ordinary when bench marked against other local government authorities.

3. *How many new positions have been created over the last 2 years?*

Shire response:

The increase over the past years reflects increased business unit activity, including but not limited to the Ningaloo Visitors Centre, Aquarium and Airport, which corresponds to the increase in revenue.

It is noted two additional questions relating to Gascoyne Gateway Limited (GGL) were received at the last Ordinary Council meeting from Robert Chapman and Martin Gregory. These questions were forwarded onto GGL, who have provided a response directly to the Robert and Martin.

4. PUBLIC QUESTIONS TIME

The following question received and read out by Kristy Devereux relates to the Painted Dog Survey that is currently open to the Exmouth community

"Firstly, I was incredibly disappointed, in fact quite angry, when the map showing the location of the GGL port had the LIA highlighted clearly, yet the Wilderness Estate was not labeled or highlighted at all. You can clearly see my house and my neighbor's house on this map. I think the proximity of the port location to residential housing is an issue that perhaps a lot of Exmouth and the general public have not considered. The Wilderness Estate should definitely be highlighted on this map and I believe the omission of this information is incredibly

misleading. I am particularly concerned about this omission as the survey will soon be open to people outside of the Exmouth community. The Shire are expecting the public to assess the proposed location based on inaccurate information, only people who are incredibly familiar with this area will be able to make a true assessment.

Can this map included in the survey be updated to ensure the Wilderness Estate is labeled and highlighted with shading before it is opened to the general public?"

The above question was taken on notice.

The following question was asked by Mark Ferguson

In relation to noise regulations in Light Industrial Areas is there going to be any changes in the future with the new amendment to planning no. 4, as there will be a lot more people living in the industrial areas.

The above question was taken on notice.

5. DECLARATIONS OF INTEREST

Name	Report	Extent of Interest	Type of Interest
Councillor Gary Mounsey	14.1.1 – Proposed Scheme Amendment No.4 to Local Planning Scheme No. 4 – Support Adoption	Financial	Owens 2 lots in the affected area. Elected to leave the room.
Shire President Matthew Niikkula	14.1.1 – Proposed Scheme Amendment No.4 to Local Planning Scheme No. 4 – Support Adoption	Financial	Parents own property in the affected area. Stayed in the room.

6. APPLICATIONS FOR LEAVE OF ABSENCE

Nil

7. CONFIRMATION OF MINUTES OF PREVIOUS MEETINGS

That the Minutes and associated attachments of the Ordinary Meeting of the Shire of Exmouth held on the 22 April 2021 be confirmed as a true and correct record of proceedings.

COUNCIL RESOLUTION

ITEM 7

Res No: 01-0521

MOVED: Cr Mounsey

SECONDED: Cr McCarrol

That the Minutes and associated attachments of the Ordinary Meeting of the Shire of Exmouth held on the 22 April 2021 be confirmed as a true and correct record of proceedings.

CARRIED 5/0

8. ANNOUNCEMENTS/REPORTS OF ELECTED MEMBERS

Councillor Lake	<p>27th April - GGL Survey Workshop - This survey has been well supported by Exmouth Councillors in a bid to measure community support for the project.</p> <p>28th April - Urban Planning Workshop.</p> <p>6th May - CEO Recruitment Interviews.</p> <p>18th May - Strategic Projects Workshop - Attended a Councillor workshop of current projects establishing levels of priority for them based on need and funding.</p> <p>19th May - Exmouth Aerodrome Master Plan - Attended an information session with Airport Manager Wes Summers regarding the Exmouth Aerodrome Master Plan recently compiled. It lays out a staged schedule of improvements subject to funding grants. Airport users who attended agreed that the most immediate</p>
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	<p>need for current and future users is the need for a supply of Avgas. Visiting pilots are electing not to use the Aerodrome because there is no supply of Avgas.</p> <p>20th May - Exmouth Sporting and Volunteer Awards Presentation - Sporting duelling bow ties and sticking to the schedule, MC President Matt Niikkula led us through an evening of celebration for many worthy volunteers and sporting nominees. They are all inspiring role models for the Exmouth community. The organisation of the event by Shire staff was remarkable, together with the culinary expertise of Darlene and Muiron Cafe, who presented a delicious selection of fine food.</p>
Councillor Dixon	20th May - Exmouth Sporting and Volunteer Awards Presentation.
Councillor McCarrol	<p>20th May - Exmouth Sporting and Volunteer Awards Presentation.</p> <p>Expressed thanks to the community for supporting the Kalbarri Fundraiser held at Whalebone Brewery.</p>
Councillor Mounsey	Attended the BHP Griffin Decommission Meeting.

9. ANNOUNCEMENTS BY THE PRESIDING PERSON WITHOUT DISCUSSION

Nil

10. PETITIONS/DEPUTATIONS/PRESENTATIONS/SUBMISSIONS

Tegan Gourlay, World Heritage Program Manager, Ningaloo Coast, of the Department of Biodiversity, Conservation and Attractions, Parks and Wildlife Service briefed Council on the upcoming communications and events to acknowledge the 10th anniversary of the Ningaloo Coast’s inscription to the World Heritage List, 24 June 2011. This included key communication objectives, outcomes and messages that will be delivered over a 12 month period, to enhance community connection and appreciation of the attributes that express the outstanding universal value of the World Heritage property.

11. MATTERS ARISING FROM COMMITTEES OF COUNCIL

Nil

12. REPORTS OF OFFICERS

EXECUTIVE SERVICES

12.1.1 AMENDMENTS TO LOCAL PLANNING POLICY 6.2 – COLOUR PALETTE FOR DEVELOPMENTS

File Reference:	CM.PO.9
Reporting Officer:	Senior Planning Officer
Responsible Officer:	Executive Manager Development Services
Date of Report:	13 May 2021
Applicant/Proponent:	Nil
Disclosure of Interest:	Nil
Attachment(s):	<ol style="list-style-type: none">1. Local Planning Policy 6.2 – Colour Palette for Developments.2. Amended Local Planning Policy 6.2 – Colour Palette for Developments.

PURPOSE

1. That Council consider amendments to Local Planning Policy 6.2 – Colour Palette for Developments (the Policy) and approve to proceed with the amended Policy (Attachment 2) pursuant to Schedule 2, Division 2 of the *Planning and Development (Local Planning Schemes) Regulations 2015*.

BACKGROUND

2. At the 16 August 2001 Ordinary Council Meeting, Council adopted Planning Policy relating to a Colour Palette for Application to Council Developments, Commercial Development, Special Rural Areas and the Wilderness Estate.

MOVED: Cr Cooper

SECONDED: Cr Corish

That council finally adopt the Planning Policy relating to a Colour Palette for Application to Council Developments, Commercial Developments and Special Rural Areas and the Wilderness Estate.

Carried 7/0

3. The Policy has been subject to a number of minor amendments since its adoption.
4. A copy of the current Policy is included in Attachment 1.
5. The purpose of the Policy is to:
 - Create a consistent colour palette applicable to development using colours from the existing natural environment;

- Strengthen the identity of the town;
 - Provide guidance to council and private landowners and developers when the question of appropriate external colours for new development is being considered;
 - Attain a high-quality visual streetscape; and
 - Preserve, enhance and complement the existing natural environment.
6. The Townscape Enhancement Plans & Design / Development Guidelines were adopted in April 2001 and are strategic documents aimed at a staged upgrading of the physical environment of Exmouth, and address heritage and character, land use and activities, access to movement, and environment and amenity.
 7. As part of the Townscape Enhancement Plans & Design / Development Guidelines a colour palette was adopted to guide the Shire in assessing new development, including public streets and buildings.
 8. The colours were considered appropriate to the Exmouth environment.

COMMENT

9. A general review of the Policy has been undertaken and the amendments proposed are for the purposes of aligning the selected external colour palette with similar colours that are currently available by suppliers as well as minor text changes (Attachment 2).
10. A number of the names and codes of the paint colours listed in the current colour palette have either been phased out or renamed. The adapted colour palette includes colours that are currently available by suppliers. The table below outlines the current and revised paint colour names.

Adopted Colour Palette	Amended Colour Palette
Lichen Dew	Linchen
Daintree Palm	Willow
Pinewood Green	Green Grey
Simpson Dust	Jamaican Shore
Kingfisher Blue	Mamala Bay
Frisco Bay	Seabrook
Earth Tone	Earth Tone
Athena	Athena
Zircon	Zircon
High Pine	High Pine
Mavan Gold	Sunbound
Blue Goose	Sea Note
Signal Red	Signal Red
Mountain Green	Classical Calm

Roof Colours (Colorbond)	
Wilderness	Mangrove
Pale Eucalypt	Pale Eucalypt
Sandbank	Classic Cream
Dune	Dune
Paperbark	Paperbark
Headland	Manor Red
Surfmist	Surfmist

CONSULTATION

11. The proposed amendments were considered ‘minor’ pursuant to Schedule 2, Division 2 of the *Planning and Development (Local Planning Schemes) Regulations 2015*. Accordingly, no public consultation was undertaken or considered necessary.

STATUTORY ENVIRONMENT

12. Shire of Exmouth Local Planning Scheme No. 4.
13. Planning and Development (Local Planning Schemes) Regulations 2015.
14. Division 2 – Local planning policies of the *Planning and Development (Local Planning Scheme) Regulations 2015* set out the requirements for local planning policies (LPP), including procedures for amending a LPP.

POLICY IMPLICATIONS

15. That Council consider, approve and proceed with the amended Policy.

FINANCIAL IMPLICATIONS

16. Nil.

RISK MANAGEMENT

17. The risk identified and categorisation rely on the Shire’s Policy 2.13 – Risk Management Policy.

Risk	Likelihood	Consequence	Risk Analysis	Mitigation
Reputational – may result in inconsistency in development outcomes and development that does not complement the existing natural environment.	Unlikely	Minor	Low	This Policy is a framework that guides the assessment of new development so that a consistent colour palette is applied to all zones within the Shire, excluding the Residential zone.

ALTERNATE OPTIONS

18. Council has the following alternative options in relation to this item, which are:
- To resolve to proceed with the amended Policy with further minor modifications; or
 - To resolve to advertise the amendments of the Policy; or
 - To resolve to not proceed with the amended Policy.

STRATEGIC ALIGNMENT

19. This item is relevant to the Councils approved Strategic Community Plan 2030 and Corporate Business Plan 2018-2022.

Leadership: To provide open transparent, accountable leadership working in collaboration with our community.

4.1 To provide proactive, collaborative and transparent leadership

4.2 A local government that is respected and accountable.

VOTING REQUIREMENTS

20. Absolute Majority

OFFICER'S RECOMMENDATION

ITEM 12.1.1

That Council, in accordance with Division 2 of the *Planning and Development (Local Planning Schemes) Regulations 2015*, resolves to APPROVE and proceed with the amended Local Planning Policy 6.2 Colour Palette for Developments, as set out in Attachment 2 of this item.

COUNCIL RESOLUTION

ITEM 12.1.1

Res No: 02-0521

MOVED: Cr McCarrol

SECONDED: Cr Dixon

That Council, in accordance with Division 2 of the *Planning and Development (Local Planning Schemes) Regulations 2015*, resolves to APPROVE and proceed with the amended Local Planning Policy 6.2 Colour Palette for Developments, as set out in Attachment 2 of this item.

CARRIED by ABSOLUTE MAJORITY 5/0

12.1.2 AMENDMENTS TO LOCAL PLANNING POLICY 6.8 – ADVERTISING SIGNS, TOWN CENTRE PUBLIC SPACE & OUTDOOR EATING PERMITS

File Reference:	CM.PO.9
Reporting Officer:	Senior Planner
Responsible Officer:	Acting Chief Executive Officer
Date of Report:	13 May 2021
Applicant/Proponent:	Nil
Disclosure of Interest:	Nil
Attachment(s):	1. Amended Local Planning Policy 6.8 – Advertising Signs, Town Centre Public Space & Outdoor Eating Permits 2. Amended Town Centre Public Space Permit Guidelines

PURPOSE

1. That Council consider amendments to Local Planning Policy 6.8 – Advertising Signs, Town Centre Public Space & Outdoor Eating Permits (the Policy) and Town Centre Public Space Permit Guidelines (The Guidelines), and approve and proceed with the amended Policy and Guidelines (Attachments 1 and 2) pursuant to Schedule 2, Division 2 of the *Planning and Development (Local Planning Schemes) Regulations 2015*.

BACKGROUND

2. At the 28 May 2020 Ordinary Council Meeting, Council initially adopted Local Planning Policy 6.8 Advertising Signage, Town Centre Public Space Permit, and Outdoor Eating Permit, replacing Local Planning Policy 6.8 Signs.

Res No: 08-520

MOVED: Cr Niikkula

SECONDED: Cr Dixon

1. **RESCIND** the current Signage policy 6.8, and
2. **ADOPT** the new “Advertising Signage, Town Centre Public Space Permit, and Outdoor Eating Permit” policy and guidelines as detailed in Attachments 1-5 to this report with the following amendments to provide greater clarity;
 - a) **ADD** the following sentence to Attachment 2 – Advertising Signage Guidelines – Product Display Sign section; • “Multiple business vehicles displaying business name and parking within the boundaries of the lot where the business is approved to operate are permitted”.
 - b) **AMEND** Attachment 5 – Temporary Banner Display Guidelines the percentage of sponsor name/logo from 25% to 50% as follows; • “Sponsor advertising including the name and/or logo must not exceed 50% of the total area of the banner”
 - c) **AMEND** Town Centre Public Space Permit Guidelines to increase public liability insurance cover to \$20,000,000;

d) AMEND Outdoor Eating Permit Guidelines to increase public liability insurance cover to \$20,000,000".

Carried 6/0

3. The purpose of Local Planning Policy 6.8 – Advertising Signs, Town Centre Public Space & Outdoor Eating Permits (the Policy) is to encourage local businesses to partner with the Shire in continually improving the presentation of Exmouth as the State’s premier tourism town.
4. In addition to Shire efforts to enhance the visual amenity of the town, the Policy actively invites local businesses to create improved retail and hospitality vibrancy through this business-friendly advertising signage and trading permits policy.
5. The Policy sets out the matters the local government will consider when assessing applications for advertising signs, town centre public space, and outdoor eating space permits. The Policy details what is permitted in various locations and approvals required for each application. It has been prepared to support and be read in conjunction with Clause 4.31 of the Shire of Exmouth Local Planning Scheme No.4 (LPS 4). The Scheme requires the submission of an application for Development Approval only for non-exempt advertisements.
6. Local businesses are required to submit applications for the Town Centre Public Space and Outdoor Eating permits.
7. The Policy is supported and should be read in conjunction with the individual guidelines for;
 - Advertising Signage Guidelines
 - Town Centre Public Space Permit Guidelines
 - Outdoor Eating Guidelines
 - Booking Temporary Banner Display Guidelines
8. The Policy objectives are:
 - a. To assist local businesses, create vibrancy, enhance amenity and maximize business opportunities whilst reinforce the positioning of Exmouth as a unique visitor destination.
 - b. To ensure that the display of advertising signs on properties complements the surrounding area without impacting on public safety and access.
 - c. To encourage local food businesses to create and manage quality outdoor dining areas without impacting on public safety or access.
 - d. To ensure consistent policy and clearly set out the requirements of the Shire of Exmouth for applicants making an application for advertising signage, use of town centre public space and outdoor eating areas.
 - e. To guide the design, materials and siting of advertising structures and signs in the local government area.
 - f. To provide improved opportunities and clear guidelines for local community and sporting groups to advertise events and activities.
 - g. To decrease bureaucratic procedures, restrictions and constraints, as well as legal and jargonistic guidelines.

COMMENT

9. The Policy addresses three core areas of advertising signage, use of town centre public space and outdoor eating permits and have been combined to provide local Exmouth businesses with a simpler approach to promoting business opportunities and achieving greater commercial vibrancy.

10. The Policy and Guidelines allows commercial operators within the town centre to apply to use the public space immediately in front of their tenancy for advertising, merchandising or seating, extending out to distance of no greater than 1200mm across the length of the tenancy frontage.
11. The amendments to the Guidelines have been undertaken to provide clearer guidance and ensure consistency surrounding designated Public Space areas within the town centre (Attachment 2).
12. Further, amendments have been proposed to ensure consistency across the subject Guidelines and the Outdoor Eating Permit Guidelines. This includes the need for a minimum 1.8m clear area for pedestrian circulation in thoroughfares and guidance on when a permit may be cancelled if conditions are not adhered to.
13. The proposed amendments to the Guidelines seek to allow the Shire to consider alternate public space options in cases which demonstrate exceptional circumstances for trading in public spaces, such as the location of existing structures and different levels in front some tenancies.
14. Additionally, minor amendments to the Policy have been undertaken to provide more clarity and consistency in relation to applicants requiring and maintaining Public Liability Insurance (Attachment 1). This was referenced in the associated Guidelines, but not specifically in policy provision 4.2 *Town Centre Public Space*.
15. A number of the amendments to the documents also include minor text and grammatical changes.
16. No amendments have been made to the Advertising Signage Guidelines, Outdoor Eating Guidelines, and Booking Temporary Banner Display Guidelines.

CONSULTATION

17. The proposed amendments do not materially alter the purpose and intent of the documents, and were considered minor pursuant to Schedule 2, Division 2 of the *Planning and Development (Local Planning Schemes) Regulations 2015*. Accordingly, no public consultation was undertaken or considered necessary.

STATUTORY ENVIRONMENT

18. Land Administration Act 1997
19. Activities on Thoroughfares and Trading in Thoroughfares and Public Local Law
20. Local Government Act 1995
21. Shire of Exmouth Local Planning Scheme No.5
22. Planning and Development (Local Planning Schemes) Regulations 2015.
23. Division 2 – Local planning policies of the Planning and Development (Local Planning Scheme) Regulations 2015 set out the requirements for local planning policies (LPP), including procedures for amending a LPP.

POLICY IMPLICATIONS

24. That Council consider, approve and proceed with the amended Policy and Guidelines.

FINANCIAL IMPLICATIONS

25. Nil.

RISK MANAGEMENT

26. The risk identified and categorisation rely on the Shire’s Policy 2.13 – Risk Management Policy.

Risk	Likelihood	Consequence	Risk Analysis	Mitigation
Reputational – may have an implication on business operations	Unlikely	Minor	Low	This Policy is a framework to allow businesses to have additional retail area for the sale of goods.

ALTERNATE OPTIONS

27. Council has the following alternative options in relation to this item, which are:

- To resolve to proceed with the amended Policy with further minor modifications; or
- To resolve to advertise the amendments of the Policy; or
- To resolve to not proceed with the amended Policy.

STRATEGIC ALIGNMENT

28. This item is relevant to the Councils approved Strategic Community Plan 2030 and Corporate Business Plan 2018-2022.

Economic: Diversify and grow our economy in a manner that provides year round employment opportunities

- 1.1 A diverse and environmentally aware local economy that can attract business investment and provide employment opportunities.
- 1.2 Facilitate the strengthening and growth of our visitor experience.

Social: To be a vibrant, passionate and safe community valuing our natural environment and unique heritage

- 3.1 Explore opportunities to deliver services and facilities that attract and retain people living in the Shire.
- 3.2 Promote facilities/services that enhance public health and safety.

Leadership: To provide open transparent, accountable leadership working in collaboration with our community.

- 4.1 To provide proactive, collaborative and transparent leadership.
- 4.2 A local government that is respected and accountable.

VOTING REQUIREMENTS

29. Absolute Majority

OFFICER’S RECOMMENDATION

ITEM 12.1.2

That Council, in accordance with Division 2 of the *Planning and Development (Local Planning Schemes) Regulations 2015*, resolves to APPROVE and proceed with the amended Local Planning Policy 6.8 Advertising Signs, Town Centre Public Space, and Outdoor Eating Permit and amended Town Centre Public Space Permit Guidelines, as set out in Attachments 1 and 2.

COUNCIL RESOLUTION

ITEM 12.1.2

Res No: 03-0521

MOVED: Cr Dixon

SECONDED: Cr Lake

That Council, in accordance with Division 2 of the *Planning and Development (Local Planning Schemes) Regulations 2015*, resolves to APPROVE and proceed with the amended Local Planning Policy 6.8 Advertising Signs, Town Centre Public Space, and Outdoor Eating Permit and amended Town Centre Public Space Permit Guidelines, as set out in Attachments 1 and 2.

CARRIED by ABSOLUTE MAJORITY 5/0

Shire President commended the Shire Officers on the presentation of this report and attachments.

DEVELOPMENT SERVICES

The following reports were recommended enbloc 12.2.1, 12.4.1, 12.4.2, 12.5.1

12.2.1 COUNCIL RELINQUISH RESERVE 40519 AND ADVISE THE DEPARTMENT OF PLANNING LANDS & HERITAGE TO REVEST THE RESERVE TO THE CROWN

File Reference:	R40519
Reporting Officer:	Senior Planning Officer
Responsible Officer:	Acting Chief Executive Officer
Date of Report:	14 May 2021
Applicant/Proponent:	Nil
Disclosure of Interest:	Nil
Attachment(s):	1. Written Request

PURPOSE

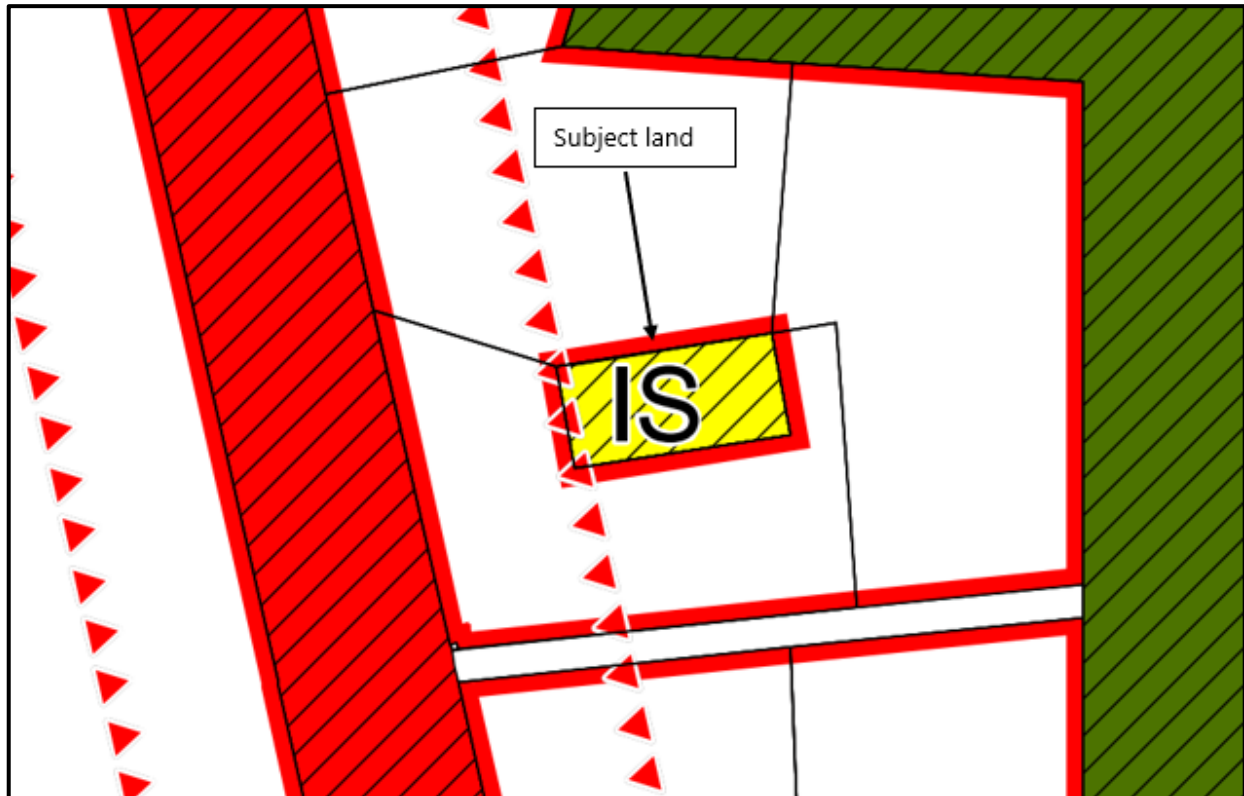
1. That Council resolve to formally agree to relinquish Reserve 40519, being Lot 116 on Deposited Plan 183751, Exmouth, and advise the Department of Planning Lands & Heritage (DPLH) to re-vest the reserve to the Crown.

BACKGROUND

2. The Shire has received a request (refer attachment 1) on behalf of the owners of Lot 310 Minilya-Exmouth Road, Exmouth in acquiring Reserve 40519 and amalgamating it into Lot 310.
3. Reserve 40519 (the subject land) is shown below and is currently set aside for the purposes of *Aerial Landing Ground Support Facility*, with a management order to the Shire of Exmouth.



4. The subject land is located approximately 12.5km south of the Exmouth Townsite, and according to the Shire's records is 7,735m² in area.
5. The subject land is Reserved for *Public Purposes: Infrastructure Services* under the Shires Local Planning Scheme No.4 (LPS 4). The zoning surrounding the site is Special Use - Area 9 (Cape Wilderness Estate). The figure below shows the zoning and reserve classification surrounding the subject land, and the location of the 100m Minilya-Exmouth Road – Special Control Area – 6 under LPS 4.



COMMENT

6. The *Land Administration Act 1997* provides the statutory environment for the care, control and management of Reserves. The Minister for Lands may, by order, reserve crown land for one or more purposes in the public interest. The Minister may then, by order, place one or more persons in the care, control and management of the Reserve through a 'Management Order'.
7. The subject land is currently vacant. Council officers have investigated the land and were unable to find any signs of past or planned future uses associated with an *Aerial Landing Ground Support Facility*. Council officers have further discussed the site with a previous long-time user connected with the Aerodrome, who advised that it is likely to have been a navigation beacon site for now discontinued aircrafts and is no longer required.
8. Accordingly, Council officers consider that the Reserve is no longer needed, and that the current most practicable and sensible use of the land would be to include it within the surrounding Special Use – Area 9 zoning and estate. Should this be supported by the DPLH, and the land disposed of, it would need to be subsequently rezoned under the Shire's LPS 4.
9. Vehicular access to the property relies on a right of carriageway easement over a portion of Lot 310. The lot size is also less than the minimum 1-hectare requirement under LPS 4, as such it is recommended that the land be amalgamated with adjoining properties.

10. Council officers support the relinquishment of the Reserve and for the subject land to be re-vested with the Crown. It is recommended that DPLH also consult with the adjoining owners of Lot 309 who may also be interested in purchasing a portion of the subject land.

CONSULTATION

11. Nil

STATUTORY ENVIRONMENT

12. Land Administration Act 1997

POLICY IMPLICATIONS

13. Nil

FINANCIAL IMPLICATIONS

14. Nil

RISK MANAGEMENT

15. The risk identification and categorisation rely on the Shire's Policy 2.13 – *Risk Management Policy*.

Risk	Likelihood	Consequence	Risk Analysis	Mitigation
Performance and Reputational – Loss of the Reserve for an <i>Aerial Landing Ground Support Facility</i> .	Unlikely	Minor	Low	Shire officers have found no evidence as to why the Reserve is required.

ALTERNATE OPTIONS

16. Council has the alternate option of choosing to not relinquish Reserve 40519.

STRATEGIC ALIGNMENT

17. This item is relevant to the Councils approved Strategic Community Plan 2030 and Corporate Business Plan 2018-2022.

Environment: To protect and value our unique natural and built environment as we grow our economy.

2.2 Strive to achieve a balance between the preservation of our unique environment and the delivery of sustainable economic growth.

Social: To be a vibrant, passionate and safe community valuing our natural environment and unique heritage

3.1 Explore opportunities to deliver services and facilities that attract and retain people living in the Shire.

Leadership: To provide open transparent, accountable leadership working in collaboration with our community.

4.2 A local government that is respected and accountable.

VOTING REQUIREMENTS

18. Simple Majority

OFFICER'S RECOMMENDATION

ITEM 12.2.1

That Council agree and APPROVE to relinquish Reserve 40519 being Lot 116 on Deposited Plan 183751, Exmouth, and advise the Department of Planning Lands & Heritage to re-vest the reserve to the Crown and recommend they consult with adjoining properties.

COUNCIL RESOLUTION

ITEM 12.2.1

Res No: 04-0521

MOVED: Cr Niikkula

SECONDED: Cr Lake

That Council agree and APPROVE to relinquish Reserve 40519 being Lot 116 on Deposited Plan 183751, Exmouth, and advise the Department of Planning Lands & Heritage to re-vest the reserve to the Crown and recommend they consult with adjoining properties.

CARRIED 5/0

CORPORATE SERVICES

The following reports were recommended enbloc 12.2.1, 12.4.1, 12.4.2, 12.5.1

12.4.1 FINANCIAL STATEMENT FOR PERIOD ENDING 30 APRIL 2021

File Reference:	FM.FI.0
Reporting Officer:	Manager Finance
Responsible Officer:	Executive Manager Corporate Services
Date of Report:	17 May 2021
Applicant/Proponent:	Nil
Disclosure of Interest:	Nil
Attachment(s):	1. Monthly Financial Report as at 30 April 2021

PURPOSE

1. That Council accepts the financial report for the financial period ending 30 April 2021.

BACKGROUND

2. The provisions of the Local Government Act 1995 and *Local Government (Financial Management) Regulations 1996* Regulation 34 requires a statement of financial activity be presented at ordinary meeting of council within 2 months of the period end date (Attachment 1).

COMMENT

3. As at 30 April, operating revenue is above target by \$205,655 (1.84%) due to an increase of visitors to Exmouth. The Ningaloo Visitor Centre merchandise sales and exhibition admissions were above target. The waste site and swimming pool revenue, as well as the amount of town planning and building applications increased. The aviation revenue decreased due to tourist seasonality and is expected to increase over the next 2 months.
4. Operating expenditure is under budget by \$945,015 (7.25%). Variances are mainly due to material and contracts and other expenditures being under budget due to the timing of maintenance programmes. Applications for stimulus packages have been received and are yet to be assessed. Employee costs are also under budget due to employee vacancies and timing of training and relocation costs.
5. Capital projects are under budget by \$575,014 due to timing of projects. A total of \$3,342,636 has been spent to date. This includes the installation of goal posts at Talanjee and Koobooroo ovals and the purchase of staff housing and Lot 1416 Learmonth Street. The Ningaloo Centre solar panels and plant replacement programmes have commenced and the Aquarium protein skimmers, Airport vending machines, Water dispensers have been purchased. Roadworks programme has commenced and new footpaths on Murat Road and Payne Street, as well as the installation of ablutions at the overflow caravan park have been completed.

6. Rate notices were issued on 30 July 2020. Rates collected as at 30 April were 92% compared to 87.7% for the same period last year.

7. General Debtors is \$1,610,396 with \$656,137 being for airport operations.

CONSULTATION

8. Nil

STATUTORY ENVIRONMENT

9. Section 6.4 of the *Local Government Act 1995* provides for the preparation of financial reports.
 10. In accordance with *Local Government (Financial Management) Regulations 1996* Regulation 34 (5), a report must be compiled on variances greater than the materiality threshold adopted by Council of \$25,000 or 10% whichever is greater. As this report is composed at a program level, variance commentary considers the most significant items that comprise the variance.

POLICY IMPLICATIONS

11. Nil

FINANCIAL IMPLICATIONS

12. Nil

RISK MANAGEMENT

13. Risks implications

Risk	Likelihood	Consequence	Risk Analysis	Mitigation
Reputational – That Council does not receive the financial activity statements as required by S6.4 of the LG Act 1995.	Rare	Insignificant	Low	That Council receives the financial activity statements as required by legislation.

ALTERNATE OPTIONS

14. Nil

STRATEGIC ALIGNMENT

15. This item is relevant to the Councils approved Strategic Community Plan 2030 and Corporate Business Plan 2018-2022

Leadership: To provide open transparent, accountable leadership working in collaboration with our community.

4.1 To provide proactive, collaborative and transparent leadership

4.2 A local government that is respected and accountable.

VOTING REQUIREMENTS

16. Simple Majority

OFFICER’S RECOMMENDATION

ITEM 12.4.1

That Council RECEIVES the Financial Report for the financial period ending 30 April 2021.

COUNCIL RESOLUTION

ITEM 12.4.1

Res No: 05-0521

MOVED: Cr Niikkula

SECONDED: Cr Lake

That Council RECEIVES the Financial Report for the financial period ending 30 April 2021.

CARRIED 5/0

The following reports were recommended enbloc 12.2.1, 12.4.1, 12.4.2, 12.5.1

12.4.2 LIST OF ACCOUNTS FOR PERIOD ENDING 30 APRIL 2021

File Reference:	FM.FI.0
Reporting Officer:	Manager Finance
Responsible Officer:	Executive Manager Corporate Services
Date of Report:	17 May 2021
Applicant/Proponent:	Nil
Disclosure of Interest:	Nil
Attachment(s):	1. List of Accounts for period ending 30 April 2021

PURPOSE

1. That Council receives payments made since the previous Ordinary Council Meeting.

BACKGROUND

2. *Local Government (Financial Management) Regulations 1996*, Regulation 13 (3) requires a list of payments is to be presented at the next ordinary meeting of council.
3. It has been customary practice that whilst being a leader in the community, we meet our terms of credit as established between suppliers and aspire to obtain discounts where practicable. Payments have been approved by authorised officers in accordance with agreed delegations and policy frameworks.

COMMENT

4. Council has given delegated authority that allows the Chief Executive Officer to approve payments from Council's bank accounts either via cheque or through electronic lodgement. (refer Attachment 12.4.2).

5. April Payments

Municipal Fund totalling \$1,153,332.20
Incorporating cheques, direct debits, electronic payments and credit cards.

Trust Fund totalling \$8,032.01
Incorporating electronic payments

Total Payments: \$1,161,364.21

CONSULTATION

6. Nil

STATUTORY ENVIRONMENT

7. Payments are to be made in accordance with Part 6, Division 4 of the *Local Government Act 1995* and as per the *Local Government (Financial Management) Regulations 1996*. Payments are to be

made through the municipal fund, trust fund or reserve funds. Payments are to be in accordance with approved systems as authorised by the Chief Executive Officer.

POLICY IMPLICATIONS

8. Staff are required to ensure that they comply under Council Policy 2.7 – Procurement and 2.12 – Regional Price Preference Policy (where applicable) and that budget provision is available for any expenditure commitments

FINANCIAL IMPLICATIONS

9. Payments are made under delegated authority and are within defined and approved budgets. Payment is made within agreed trade terms and in a timely manner.

RISK MANAGEMENT

10. Risk implications

Risk	Likelihood	Consequence	Risk Analysis	Mitigation
Reputational – That Council does not receive the list of payments.	Rare	Insignificant	Low	That Council receives the list of payments as required by legislation.

ALTERNATE OPTIONS

11. Nil

STRATEGIC ALIGNMENT

12. This item is relevant to the Councils approved Strategic Community Plan 2030 and Corporate Business Plan 2018-2022

- Leadership: To provide open transparent, accountable leadership working in collaboration with our community.
- 4.1 To provide proactive, collaborative and transparent leadership
- 4.2 A local government that is respected and accountable.

VOTING REQUIREMENTS

13. Simple Majority

OFFICER'S RECOMMENDATION

ITEM 12.4.2

That Council RECEIVES the report of payments made from the Municipal and Trust bank accounts during the month of April 2021 (*totalling \$1,161,364.12*).

COUNCIL RESOLUTION

ITEM 12.4.2

Res No: 06-0521

MOVED: Cr Niikkula

SECONDED: Cr Lake

That Council RECEIVES the report of payments made from the Municipal and Trust bank accounts during the month of April 2021 (*totalling \$1,161,364.12*).

CARRIED 5/0

ITEMS FOR INFORMATION ONLY

The following reports were recommended enbloc 12.2.1, 12.4.1, 12.4.2, 12.5.1

12.5.1 ITEMS FOR INFORMATION ONLY

PURPOSE

To advise Council of the information items listed below.

VOTING REQUIREMENTS

Simple Majority

OFFICER'S RECOMMENDATION

ITEM 12.5.1

That Council note the following information items:

Register of Documents Stamped with the Shire of Exmouth Common Seal

The documents, as listed below, that have been stamped with the Common Seal of the Shire of Exmouth since the last meeting.

Date	Document
18/12/2020	Short Form Member Contract – Shire of Exmouth and CJ Lord Building Renovations Pty Ltd (Council Decision 19/1220).
27/01/2021	Sublease Agreement – Shire of Exmouth and CHC Helicopters (Council Decision 07/1220).
04/02/2021	Transfer of Mortgage Charge or Freehold Lease – Shire of Exmouth and Ningaloo Caravan and Holiday Resort.

Building Decisions Issued

A summary of the building permits and building certificate applications and approvals made under Delegation pursuant to the *Building Act 2011* up to 30 April 2021.

App #	Date Received	Lot	Property Address	Description	Decision	Decision Date
21/40	25/03/21	234	28 Carpenter Street	Ancillary dwelling and garage	Approved	16/04/2021
21/41	26/03/21	97	21 Bluefin Cove	Single dwelling	Approved	08/04/2021
21/43	30/03/21	212	6 Dugong Close	Single dwelling	Approved	03/05/2021
21/44	30/03/21	102	3 Snapper Loop	Outbuilding	Approved	17/04/2021
21/45	31/03/21	649	22 Hall Street	Ancillary dwelling	Approved	17/04/2021
21/46	08/04/21	816	12 Carr Way	Addition - Verandah	Approved	21/04/2021
21/47	14/04/21	348 & 349	31 & 29 Kestrel Place	Floating jetty	Pending	
21/48	20/04/21	33	9 Learmonth Street	Addition - Verandah	Approved	28/04/2021
21/49	21/04/21	410	34 Madaffari Drive	Floating jetty & gangway	Approved	04/05/2021
21/50	19/04/21	38	12 Searaven Crescent	Dwelling, carport & boundary fence	Approved	07/05/2021
21/51	19/04/21	460	12 Osprey Way	Single house, outbuilding & boundary fence	Approved	19/05/2021
21/52	20/04/21	346	35 Kestrel Place	Floating jetty & gangway	Approved	12/05/2021
21/53	21/04/21	417	54 Madaffari Drive	Floating jetty & gangway	Approved	04/05/2021
21/54	27/04/21	108	59 Ingram Street	Earthworks & pad footings for future storage units	Approved	03/05/2021

Planning Decisions Issued

Summary of the planning decisions issued under delegation or outstanding up to 30 April 2021.

App #	Date Received	Lot	Property Address	Description.	Decision	Decision Date
PA32/19	13/03/19	Scheme Amendment 1 to LPS4			Deferred	07/06/19
DA54/20	12/08/20	Scheme Amendment No.2 to LPS4 - re-zoning of part Crown Reserve R50806 into 13 Koolinda Way			Processing	21/12/20
DA101/20	17/11/20	1	Heron Way	Single, ancillary dwelling, outbuilding	Deferred	17/11/20
DA113/20	08/12/20	460	12 Osprey Way	Single dwelling, Ancillary Dwelling and Outbuilding	Approved	06/04/21
DA118/20	05/12/20	14	30 Dugong Close	Holiday House	Approved	07/04/21
DA122/20	24/12/20	417	54 Madaffari Drive	Floating jetty	Approved	15/04/21
DA124/20	24/12/20	410	34 Madaffari Drive	Single House - Addition - Floating Jetty	Approved	16/04/21
DA9/21	02/02/21	33	9 Learmonth Street	Patio extension and carport	Approved	08/04/21
DA10/21	04/02/21	318	Minilya-Exmouth Rd	Ancillary dwelling	Processing	
LP.PL.4.4	18/02/21	Service Commercial Zone		Scheme Amendment No.4	Processing	
DA16/21	02/03/21	Recreation Centre		Change rooms, bike park facility	Approved	09/04/21
DA19/21	24/02/21	187	35 Cobia Close	Single dwelling	Approved	20/04/21
DA21/21	11/03/21	24	10 Learmonth Street	Carport Addition	Processing	
DA22/21	16/03/21	922	15 Ningaloo Street	Bed & Breakfast - 1 bedroom	Processing	
DA23/21	18/03/21	52	25 Lockwood Street	Existing Use – B&B (2 Bedrooms)	Deferred	30/04/21
DA24/21	18/03/21	319	19 Gnulli Court	Single dwelling and pool	Processing	
DA25/21	26/03/21	501	30 Ingleton Street	Single dwelling & ancillary dwelling	Approved	22/04/21
DA26/21	31/03/21	151	27 Dugong Close	Retaining & fencing	Deferred	12/04/21
DA27/21	07/04/21	1308	18 Tambor Drive	Holiday House	Processing	
DA29/21	29/04/21	1103	3 Campbell Way	Approval for Existing Use - Holiday House	Processing	
DA30/21	09/04/21	34	15 Cooyou Close	Single house	Approved	22/04/21
DA31/21	09/04/21	12	2/12 Christie Street	Approval for Existing Use – B&B	Processing	
DA32/21	13/04/21	108	59 Ingram Street	Warehouse/Storage (Units)	Approved	22/04/21
DA33/21	14/04/21	207	40 Cobia Close	Grouped dwellings x 2	Processing	
DA34/21	20/04/21	311	Minilya-Exmouth Rd	Single House	Processing	
DA35/21	16/04/21	1002	8 Warren Way	Holiday House	Processing	
DA36/21	09/04/21	156	63 Snapper Loop	Home Occupation	Processing	
DA37/21	22/04/21	1406	Willersdorf Road	Warehouse/Storage - Addition	Processing	
DA38/21	23/04/21	838	5 Carter Road	Caretakers dwelling - Addition	Processing	
DA39/21	27/04/21	200	54 Cobia Close	Single House	Processing	
DA40/21	27/04/21	190	5 Grenadier Street	Ancillary dwelling	Processing	
DA41/21	28/04/21	410	10 Farley Street	Outbuilding – R-Codes variation	Processing	
DA42/21	29/04/21	1376	40 Preston Street	Ancillary dwelling and pool	Deferred	29/04/21

Permits Issued Under the *Local Government Act 1995*, Local Government Property Local Law.

App #	Date Received	Description.	Decision	Permit issued
PE12/21	06/04/21	Exmouth Surf Centre – Town Beach annual permit	Issued	15/04/21
PE13/21	09/04/21	Ultimate Water Sports – Town beach 1-16 May	Issued	30/04/21
PE14/21	06/04/21	Lions Club skin cancer screening truck at ECAC carpark – 15-16 May	Issued	29/04/21
PE15/21	20/04/2021	Surf Yoga classes at Federation Park 1 July – 1 October	Cancelled	

OFFICER'S RECOMMENDATION

ITEM 12.5.1

That Council note the following information items:

- Register of Documents Stamped with the Shire of Exmouth Common Seal;
- Building Decisions Issued up to 30 April 2021; and
- Planning Decisions Issued up 30 April 2021.

COUNCIL RESOLUTION

ITEM 12.5.1

Res No: 07-0521

MOVED: Cr Niikkula

SECONDED: Cr Lake

That Council note the following information items:

- **Register of Documents Stamped with the Shire of Exmouth Common Seal;**
- **Building Decisions Issued up to 30 April 2021; and**
- **Planning Decisions Issued up 30 April 2021.**

CARRIED 5/0

12.4.3 AWARD OF TENDER: RFT 03/2021 - HOUSING BUILDING PACKAGE LOT 501 INGLETON STREET EXMOUTH

File Reference:	CM.TE. 03. 2021.
Reporting Officer:	Building Surveyor
Responsible Officer:	Executive Manager Corporate Services
Date of Report:	7 May 2021
Applicant/Proponent:	Nil
Disclosure of Interest:	Nil
Attachment(s):	1. CONFIDENTIAL Tender Evaluation Report Evaluation Report – RFT03/2021

PURPOSE

1. That Council consider the outcome of Tender RFT 03/2021 Housing Building Package Lot 501 Ingleton Street.

BACKGROUND

2. Shire staff has workshopped with Council the current staff housing situation in relation to housing available and required as well as options currently available to Council. The preferred option identified was to build on property Council owns. The Shire owns vacant land on Lot 501 Ingleton Street which would be suitable to accommodate staff housing.
3. Council has identified that it has a requirement to employ appropriately qualified staff to provide effective services to the Shire of Exmouth. These skills are not always locally available and requires Council to consider measures that it can take to attract and retain these skills. As Council is not located close to a larger metropolitan area and cannot afford to pay salaries comparable to other local governments it needs to provide other incentives to attract and retain key technical and senior staff. The purpose of these houses is so that Council is able to attract and retain these staff.
4. The Shire advertised Tender RFT 03/2021 Housing Building Package to Construct 1 x 3-bedroom, 2-bathroom main dwelling and 1 x 2-bedroom, 2-bathroom ancillary dwelling and associated works on Lot 501 Ingleton Street Exmouth which closed on 9 April 2021.
5. Tender RFT 03/2021 was advertised in The West Australian on 13 March 2021 and the Pilbara News on 17 March 2021, on the Shire's website and on the Shire's & Library's noticeboards.
6. Two addendums were issued prior to the tender closing and were acknowledged by the tenderers.
7. The Shire received 2 tender submissions before the tender deadline of 2.00pm Friday 9 April 2021.

COMMENT

- 8. Tender submissions were assessed by the Shire’s Manager Works, Executive Manager Corporate Services and Building Surveyor. All tenders were assessed against the compliance criteria and ranked according. The assessment panel then adopted best value for money approach.
- 9. The confidential evaluation report will be tabled to Councillors and provides details of the tender process and evaluation of the tenders.

CONSULTATION

- 10. Nil

STATUTORY ENVIRONMENT

- 11. Section 3.57 of the Local Government Act 1995 and the LGA Functions and General Regulations, 11 to 24G.
- 12. Regulation 18 (4) of the Local Government (Functions and General) Regulations.

POLICY IMPLICATIONS

- 13. Council Policy 2.7 Procurement
- 14. Council Policy 2.12 Regional Price Preference

FINANCIAL IMPLICATIONS

- 15. The approved tender price will be included in the 2021/22 budget.

RISK MANAGEMENT

- 16. Insert identified risks implications

Risk	Likelihood	Consequence	Risk Analysis	Mitigation
Reputational and Service Interruption - Lack of housing may impact on the ability of Council to employ and retain appropriately qualified staff.	Possible	Moderate	Moderate	Alternate options will need to be explored.

ALTERNATE OPTIONS

- 17. Council may not award the tender.

STRATEGIC ALIGNMENT

- 18. This item is relevant to the Councils approved Strategic Community Plan 2030 and Corporate Business Plan 2018-2022

Economic: Diversify and grow our economy in a manner that provides year round employment opportunities

- 1.1 A diverse and environmentally aware local economy that can attract business investment and provide employment opportunities
- 1.2 Facilitate the strengthening and growth of our visitor experience.
- 1.3 Enable the provision of essential infrastructure that will support investment and diversify our economy.

Environment: To protect and value our unique natural and built environment as we grow our economy.

- 2.1 A strong focus on environmental conservation and sustainable management of our natural environment
- 2.2 Strive to achieve a balance between the preservation of our unique environment and the delivery of sustainable economic growth.
- 2.3 Advocate and promote opportunities for the development of environmentally sustainable essential infrastructure and services

Social: To be a vibrant, passionate and safe community valuing our natural environment and unique heritage

- 3.1 Explore opportunities to deliver services and facilities that attract and retain people living in the Shire.
- 3.2 Promote facilities/services that enhance public health and safety.
- 3.3 Champion self-supporting community clubs and associations.

Leadership: To provide open transparent, accountable leadership working in collaboration with our community.

- 4.1 To provide proactive, collaborative and transparent leadership
- 4.2 A local government that is respected and accountable.
- 4.3 To be a champion for our community

VOTING REQUIREMENTS

19. Absolute Majority

OFFICER'S RECOMMENDATION

ITEM 12.4.3

That Council:

1. AWARD the contract for Tender RFT 03/2021 Housing Building Package on Lot 501 Ingleton Street as per the recommendation in the Confidential Evaluation Report;
2. AUTHORISE the Chief Executive Officer to make minor changes to scope of works and consequently the price of works not exceeding 10% of the project budget; and
3. RECORD the recommendation for Tender RFT 03/2021 as provided in the Confidential Evaluation Report – RFT03/2021 in the minutes for the meeting.

COUNCIL RESOLUTION

ITEM 12.4.3

Res No: 08-0521

MOVED: Cr Lake

SECONDED: Cr McCarrol

That Council:

1. **AWARD the contract for Tender RFT 03/2021 Housing Building Package on Lot 501 Ingleton Street as per the recommendation in the Confidential Evaluation Report;**
2. **AUTHORISE the Chief Executive Officer to make minor changes to scope of works and consequently the price of works not exceeding 10% of the project budget; and**

- 3. Tender RFT 03/2021 Housing Building Package on Lot 501 Ingleton Street as provided in the Confidential Evaluation Report – RFT03/2021 be awarded to Acero Constructions Pty Ltd.**

CARRIED by ABSOLUTE MAJORITY 5/0

13. ELECTED MEMBERS MOTIONS OF WHICH PREVIOUS NOTICE HAS BEEN GIVEN

Nil

Councillor Mounsey declared a Financial interest in the following report and left the meeting at 4.45pm.

14. NEW BUSINESS OF AN URGENT NATURE INTRODUCED BY DECISION OF MEETING

14.1.1 PROPOSED SCHEME AMENDMENT NO.4 TO LOCAL PLANNING SCHEME NO.4 – SUPPORT ADOPTION

File Reference:	LP.PL.4.4
Reporting Officer:	Senior Planning Officer
Responsible Officer:	Executive Manager – Development Services
Date of Report:	24 May 2021
Applicant/Proponent:	Nil
Disclosure of Interest:	Nil
Attachment(s):	1. Scheme Amendment Report 2. Agency Submissions 3. Schedule of Submissions and Recommendations 4. Amendment Provisions – Proposed Final

PURPOSE

1. That Council give final approval and SUPPORT Scheme Amendment No. 4 to the Shire of Exmouth Local Planning Scheme No.4 (LPS 4) subject to modifications, and forward the amendment to the Western Australian Planning Commission with the request for the Minister for Planning to grant final consent.

BACKGROUND



2. At the 25 February 2021 Ordinary Council Meeting, Council resolved to prepare Scheme Amendment No.4, to apply an 'Additional Use' and associated conditions in Schedule 2 of LPS 4, for the Service Commercial zoned land generally bounded by Murat Road, Nimitz Street, Reid Street and Welch Street, Exmouth as shown above (the subject land).
3. The subject land is approximately 22.2ha, comprising of 134 lots and located over 700m to the south-east of the Exmouth Town Centre.
4. The scheme amendment was referred to the Environmental Protection Agency (EPA). The EPA advised that the amendment is unlikely to have a significant effect on the environment and did not warrant a formal assessment under Part IV Division 3 of the Environmental Protection Act 1986.
5. The WAPC confirmed the amendment was suitable for advertising.
6. Scheme Amendment No.4 was advertised for public comment in accordance with Part 5, r.38 of the Planning and Development (Local Planning Schemes) Regulations 2015. Advertising was undertaken via direct mail out to landowners within and surrounding the amendment area, and notices placed on the Shire's website and public notice boards.
7. In addition to public advertising and formal referral to the EPA, Scheme Amendment No.4 was also referred to relevant state agencies and utility providers for consideration.

COMMENT

8. The scheme amendment seeks to apply an 'Additional Use' (Additional Use (A7)) in Schedule 2 of LPS 4 to include 'workforce accommodation' as a discretionary ('A') use (rather than an 'X' use) and conditions to guide assessment of proposals for workforce accommodation throughout the subject land.
9. The proposal has been assessed against the relevant legislative requirements and has taken into consideration comments received as a result of advertising and consultation.
10. A total of six (6) public and four (4) agency submissions were received in relation to the proposal. Four (4) of the public submissions provided support for the proposal, one (1) raised concerns and the other submission was from the Department of Fire and Emergency Services (DFES) as a developer within the area.
11. The concerns were for why their property was not included in the amendment area. The lot in question fronts Murat Road, which is the primary road and entrance into Exmouth. The Local Planning Strategy (the Strategy) and Scheme require high quality-built form fronting Murat Road. Generally, temporary workforce accommodation is not considered to result in high quality-built form. For this reason, lots fronting Murat Road were not included in the Amendment.
12. The other public enquiry from DFES inquired to whether the amendment would impact on their ability to develop lot 550 Murat Road, which is not included in the amendment area. The amendment is unlikely to impact on the development potential and options for lot 550.
13. The EPA and the Department of Water and Environmental Regulation recommended that the Scheme text specifically include reference for wastewater disposal to comply with Government *Sewerage Policy 2019*. Accordingly, a new condition (3) has been proposed within 'Additional Use A7' of Schedule 2 – Additional Uses, that states:

Wastewater disposal shall comply with the Government Sewerage Policy 2019. Connection to the reticulated sewerage system should be undertaken where possible.

14. Part of the subject land falls within an area declared bushfire prone by the Commissioner for Fire and Emergency Services, pursuant to s. 18P of the Fire and Emergency Services Act 1998. The DFES Land Use Planning team raised comments in respect to State Planning Policy 3.7 – Planning in Bushfire Prone Areas (SPP 3.7). The subject land is connected to reticulated water and the existing layout and design of the road network allows for suitable vehicular access throughout the area. Furthermore, SPP 3.7 will apply to developments on land declared bushfire prone. This will be considered on a site-by-site basis as part of the future design and planning application processes.
15. In addition to the above matters, the following have been identified by Shire planning staff as key considerations for the determination of the proposal, and are discussed in detail below:
 - Position Statement - Workforce accommodation
 - Local Planning Strategy
 - Local Planning Scheme No.4
 - Service & infrastructure
 - Amendment proposal and justification

Position Statement - Workforce Accommodation

16. The WAPC has prepared a Position Statement on workforce accommodation to assist users of the planning system in understanding the land use planning considerations for workforce accommodation. The purpose of the Position Statement is to:
 - Outline the development requirements for workforce accommodation under the Planning and Development Act 2005 and associated regulation.
 - Provide guidance to local governments on the role of the local planning framework in the planning and development of workforce accommodation.
17. The WAPC position statement outlines that where practicable, workforce accommodation should be provided in established towns, in locations suitable to its context and to facilitate their ongoing sustainability. Planning and development of workforce accommodation should be consistent with local planning strategies and schemes, except where the Mining Act 1978 and State Agreement Acts prevail.

Local Planning Strategy

18. The purpose of the Strategy is to provide strategic planning direction over a 10-year period within the municipality. Further, it provides the rationale for the zoning and reservation of land and the rationale for land use and development controls.
19. The Strategy outlines the key objective for industrial land:

“Provide an adequate supply of appropriately located service, light, general and marine based industrial land to encourage diversification of industrial activity to strengthen employment opportunities and broaden the economic base of the Shire.”

20. The subject land is also subject to the following (relevant) strategic objective:

3) *Promote the continuation of composite residential/industrial development on land identified as existing and future service industry to enable business ventures to more easily establish within an affordable live-work environment.*

21. The Strategy identifies the subject land as 'Mixed Use' within Existing Industry Area 1. The area has evolved predominantly as a composite service industrial area with approximately 50% of the lots also supporting residential/caretaker uses.

22. The Strategy refers to the Murat Road Guidelines which require high-quality built form fronting Murat Road. As mentioned above, temporary workforce accommodation is not considered high-quality built form; accordingly, it is proposed to exclude the lots fronting Murat Road from this amendment.

Local Planning Scheme No.4

23. The following aims of LPS 4 are relevant to this proposal:

- *To provide for housing choice and variety in neighbourhoods with a community identity and high levels of safety, accessibility and visual amenity;*
- *To ensure there is a sufficient supply of suitable serviced land for housing, employment, commercial activities, community facilities, recreation and open space;*

24. This proposal expands on the objectives of the Service Commercial zone to provide for residential living to enable business owners to live and work on the same premises.

25. The amendment facilitates the provision of a defined area suitable for providing workforce accommodation, enabling the Shire to promote regional development and support diversification of land uses within Exmouth.

26. Parts of the site have buffers for the power station and the wastewater treatment plant. Any future development would need to address the relevant scheme requirements. Consultation with the relevant agencies e.g. Water Corporation and Horizon Power, will also be required.

Service & Infrastructure

27. The subject land has access to reticulated scheme water. Horizon Power overhead distribution lines are located within the subject land holdings.

28. Reticulated sewerage is available to parts of the subject land, including some land parcels between the south of Nimitz Street and north of Pelias Street, and south of Pellew Street and north of Maley Street and Murat Road. Refer to comments in paragraph 13 above relating to on-site wastewater disposal.

Proposal and Justification

29. Inserting an additional use based specifically on the subject land is considered appropriate given the historic development in the area, rather than altering the permissibility of the 'workforce accommodation' land use across the entire Service Commercial zone.

30. An additional use also makes provision for inclusion of specific conditions that need to be considered when assessing development proposals on the specific site. In this instance, the conditions relating to the following matters that are over and above the standard provisions of the Scheme:

- The need, considering the capacity in local housing and supply markets.
- Numbers of units.
- Occupancy limitations – number of persons occupying the site and employer.
- Provision of suitable setbacks and siting of development in a manner that considers surrounding land uses.
- Measures to manage visual amenity impacts (screening, fencing and landscaping etc).
- Decommissioning/transitioning plans.
- Time limited approvals.
- Rubbish disposal.
- Servicing, including wastewater disposal.
- Carparking.
- Compatibility with the wastewater treatment plant buffer or power station noise buffer.

31. The amendment proposes to limit approvals until 30 June 2026 given the need for workforce accommodation is expected to be primarily a shorter-term matter, before further alternative housing is provided locally. The permissibility for a caretaker's dwelling on Service Commercial zoned land where it is incidental to commercial, industrial or other approved uses remains unchanged.

32. It is recommended that Council resolve to support the proposed scheme amendment, subject to modifications and forward the amendment to the WAPC, with the request for the Minister for planning to grant final consent.

CONSULTATION

33. As mentioned above, Scheme Amendment No.4 was advertised in accordance with the requirements of Part 5, r.38 of the Planning and Development (Local Planning Schemes) Regulations 2015.

34. In addition to public consultation, the proposal was also referred to the following state agencies and utility providers:

- Department of Biodiversity, Conservation and Attractions (DBCA)
- Department of Fire and Emergency Services (DFES)
- Department of Water and Environmental Regulation (DWER)
- Horizon Power
- Water Corporation

35. A response was received from DBCA, DFES and DWER.

36. A 'Schedule of Submissions and Recommendations; has been prepared to summarise and respond to the matters raised during the public advertising and consultation period (refer Attachment 3). The matters raised are broadly addressed above in the comment section of this report. A copy of each government agency submissions is also available (refer Attachment 2).

37. Modifications to the proposed scheme amendment are recommended as a result of the consultation process.

STATUTORY ENVIRONMENT

Planning and Development Act 2005

Planning and Development (Local Planning Scheme) Regulations 2015

Local Planning Scheme No. 4

Environmental Protection Act 1986
Exmouth Townsite Structure Plan

POLICY IMPLICATIONS

State Planning Policy 3.7 - *Planning in Bushfire Prone Areas* State
 Planning Policy 4.1 - *State Industrial Buffer Policy*
 State Planning Policy 6.3 - *Ningaloo Coast*
 Government Sewerage Policy

FINANCIAL IMPLICATIONS

38. Nil

RISK MANAGEMENT

39. The risk identification and categorisation rely on the Shires Policy 2.13 – Risk Management Policy.

Risk	Likelihood	Consequence	Risk Analysis	Mitigation
Reputational – The proposal may not be accepted by the Western Australian Planning Commission or the Minister for Planning.	Possible	Moderate	Moderate	The amendment has been assessed against the relevant statutory framework. If the request is not supported by the DPLH the matter will not be progressed and the Shire may be required to make modifications.

ALTERNATE OPTIONS

40. Council may consider alternate options in relation to this item, such as:

- To resolve to support the scheme amendment with additional modifications; or
- To resolve not to support the scheme amendment and advise the Western Australian Planning Commission, in writing, of the reasons for doing so.

STRATEGIC IMPLICATIONS

41. This item is relevant to the Councils approved Strategic Community Plan 2030 and Corporate Business Plan 2018-2022.

Economic: Diversify and grow our economy in a manner that provides year-round employment opportunities

1.1 A diverse and environmentally aware local economy that can attract business investment and provide employment opportunities

Environment: To protect and value our unique natural and built environment as we grow our economy.

2.2 Strive to achieve a balance between the preservation of our unique environment and the delivery of sustainable economic growth.

Social: To be a vibrant, passionate and safe community valuing our natural environment and unique heritage

3.1 Explore opportunities to deliver services and facilities that attract and retain people living in the Shire.

Leadership: To provide open transparent, accountable leadership working in collaboration with our community.

4.1 To provide proactive, collaborative and transparent leadership

- 4.2 A local government that is respected and accountable.
- 4.3 To be a champion for our community

VOTING REQUIREMENTS

42. Simple Majority

OFFICER'S RECOMMENDATION

ITEM 14.1.1

That Council, pursuant to section 75 of the *Planning and Development Act 2005* and Part 5, r.41(3)(b) of the *Planning and Development (Local Planning Schemes) Regulations 2015*, RESOLVE to:

1. SUPPORT with modifications, Scheme Amendment No. 4 to amend Shire of Exmouth *Local Planning Scheme No. 4* by:
 - (i) Inserting 'Additional Use (A7)' into Schedule 2 – Additional Uses.
 - (ii) Amending the Scheme Map accordingly by applying 'Additional Use (A7)' to the Service Commercial zoned land generally bounded by Murat Road, Nimitz Street, Reid Street, and Welch Street, Exmouth.
 - (iii) Adding conditions relating to development within Additional Use A7.

No	Description of land	Additional Use	Conditions
A7	The Service Commercial zoned land generally bounded by Murat Road, Nimitz Street, Reid Street, Welch Street, Exmouth.	As an 'A' use <ul style="list-style-type: none"> • Workforce Accommodation 	<ol style="list-style-type: none"> 1. The purpose of this additional use is to provide temporary workforce accommodation directly related to business activities in Exmouth. 2. In considering an application for development approval, the local government shall consider the following matters in addition to those which it may have regard to under the Scheme: <ul style="list-style-type: none"> • The need, considering the capacity in local housing and supply markets; • Numbers of units; • Occupancy limitations – number of persons occupying the site and employer; • Provision of suitable setbacks and siting of development in a manner that considers surrounding land uses; • Measures to manage visual amenity impacts (screening, fencing and landscaping etc.); • Decommissioning/transitioning plans; • Time limited approvals; • Rubbish disposal; • Servicing including wastewater disposal;

			<ul style="list-style-type: none"> • On-site carparking; and • Compatibility with the wastewater treatment plant buffer or power station noise buffer. <p>3. Wastewater disposal shall comply with the <i>Government Sewerage Policy 2019</i>. Connection to the reticulated sewerage system should be undertaken where possible.</p> <p>4. The local government is to be satisfied that the proponent has identified appropriate strategies to manage issues by siting of land use in the context of surrounding existing and proposed land uses; and providing adequate screening measures such as fencing and landscaping.</p> <p>5. The additional use shall cease to have effect after 30 June 2026.</p> <p>6. Any development approval issued by the local government for the additional use shall be no later than 30 June 2026.</p> <p>7. Non-conforming use rights do not apply to the additional use.</p> <p>8. After 30 June 2026, any buildings that had been used for the additional use shall be removed unless development approval is granted for uses consistent with the zone.</p>
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2. Note the submissions received as detailed in the Schedule of Submissions and Recommendations.
3. Forward the amendment documentation, to the Western Australian Planning Commission with a request that the Minister for Planning grant approval to the amendment.

COUNCIL RESOLUTION

ITEM 14.1.1

Res No: 09-0521

MOVED: Cr Lake

SECONDED: Cr Dixon

That Council, pursuant to section 75 of the *Planning and Development Act 2005* and Part 5, r.41(3)(b) of the *Planning and Development (Local Planning Schemes) Regulations 2015*, RESOLVE to:

1. **SUPPORT with modifications, Scheme Amendment No. 4 to amend Shire of Exmouth Local Planning Scheme No. 4 by:**

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			<p>in the context of surrounding existing and proposed land uses; and providing adequate screening measures such as fencing and landscaping.</p> <p>5. The additional use shall cease to have effect after 30 June 2026.</p> <p>6. Any development approval issued by the local government for the additional use shall be no later than 30 June 2026.</p> <p>7. Non-conforming use rights do not apply to the additional use.</p> <p>8. After 30 June 2026, any buildings that had been used for the additional use shall be removed unless development approval is granted for uses consistent with the zone.</p>
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2. **Note the submissions received as detailed in the Schedule of Submissions and Recommendations.**
3. **Forward the amendment documentation, to the Western Australian Planning Commission with a request that the Minister for Planning grant approval to the amendment.**

CARRIED 4/0

Shire President expressed gratitude on behalf of Council to the Executive Manger Development Services and Senior Town Planner. The work they have undertaken to produce this report within the limited timeframe is outstanding and very much appreciated.

Councillor Mounsey returned to the meeting at 4.55pm.

15. MATTERS TO BE CONSIDERED BEHIND CLOSED DOORS

Nil

16. CLOSURE OF MEETING

The Shire President thanked the gallery for their attendance and closed the meeting at 4.56pm.